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Supreme Court of the United States

PARENTS INVOLVED IN COMMUNITY SCHOOLS,
Petitioner,

v.

SEATTLE SCHOOL DISTRICT NO. 1, *ET AL.*,
Respondents.

CRYSTAL D. MEREDITH, CUSTODIAL PARENT AND NEXT FRIEND OF JOSHUA RYAN MCDONALD,
Petitioner,

v.

JEFFERSON COUNTY BOARD OF EDUCATION, *ET AL.*,
Respondents.

On Writs of Certiorari to the United States Courts of Appeals for the Ninth and Sixth Circuits

BRIEF OF *AMICI CURIAE* ASIAN AMERICAN JUSTICE CENTER, ASIAN LAW CAUCUS, ASIAN PACIFIC AMERICAN LEGAL CENTER, AND ASIAN AMERICAN INSTITUTE, *ET AL.*, IN SUPPORT OF RESPONDENTS

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STATEMENT OF INTEREST OF *AMICI CURIAE*[1]

The Asian American Justice Center ("AAJC") is a national, nonprofit, nonpartisan organization whose mission is to advance the human and civil rights of Asian Americans (collectively, "Asian Americans"). AAJC is committed to supporting racial diversity in education as a way of ensuring equal education and opportunities for all students and as a means of remedying and combating racial discrimination and prejudice. Joining AAJC as *amici curiae* in this brief are 19 public interest legal and civil rights organizations listed in the Appendix to this brief that also are dedicated to protecting the rights of Asian Americans (collectively, "*Amici*"). *Amici* include Japanese, Chinese, Filipino, Korean, Hmong, South Asian, Pacific Islander, Cambodian, Laotian, and Vietnamese American public-interest groups. *Amici* also include some of the largest and oldest Asian American organizations in this country that are involved in challenging racial discrimination, safeguarding civil rights, and advocating for affirmative action programs. *Amici* thus have an important and substantial interest in this case, which addresses the constitutionality of the limited use of race by the Seattle School District No. 1 ("Seattle") to assign students to secondary schools and the Jefferson County School Board ("Jefferson County") in assigning students to elementary and secondary schools.

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[1] In accordance with Supreme Court Rule 37.3(a), Petitioners and Respondents have filed with the Clerk of the Court letters consenting to the filing of this brief. No person or entity other than *Amici*, their members, or their counsel made a monetary contribution to the preparation or submission of the brief, and no counsel for Petitioners or Respondents had any role in authoring this brief.

SUMMARY OF ARGUMENT

Asian Americans bring a unique perspective to this case that results from their unusual treatment in the two programs at issue here. In the Seattle school assignment program, Asian Americans are treated as "minorities," whereas in the Jefferson County school assignment program, they are treated as "non-minorities."

Nonetheless, *Amici* support both programs because racial diversity is a compelling governmental interest that benefits all students, regardless of whether they are classified as "minorities," particularly students who (like Asian Americans) suffer from a history of discrimination. The programs at issue are narrowly tailored to serve that interest.

From their unique perspective *Amici* offer four points in support of Respondents' arguments that the programs are constitutional.

First, racial diversity demonstrably reduces prejudice and discrimination, and it thus is a compelling governmental interest. Literally hundreds of empirical studies show that racial diversity in primary and secondary education combats prejudice and discrimination both remedially and prospectively. All students, but particularly students such as Asian Americans that have suffered from discrimination, benefit when children learn to interact successfully and meaningfully with members of other races.

Second, racial diversity is also a compelling interest because decades' worth of empirical studies demonstrate that racially integrated schools provide an education superior to that of segregated minority-dominated schools. Learning in racially integrated schools causes all students, but particularly groups that historically have been discriminated against, to achieve superior levels of educational achievement and to realize the opportunities that flow from

that achievement. Again, as the Asian American experience demonstrates, this is true regardless of whether students are classified as "minorities" or "non-minorities."

Third, as a result of historical discrimination, both Seattle and Jefferson County continue to be residentially segregated, which has caused school segregation under the traditionally used residential-based school selection systems. Absent some use of race in making primary and secondary school assignments, residential segregation will continue to result in racially segregated schools that cannot offer a racially diverse learning environment and that perpetuate the detrimental effects of racial isolation. The experience of Asian Americans in Seattle, like the experience of African Americans in Jefferson County, demonstrates that the nature of local residential segregation reflects local history and circumstances. Because each program is sensitive to the actual racial composition of the community at issue, each program works in a narrowly tailored manner to ameliorate the effects that local residential segregation has on local public education.

Fourth, both programs at issue are narrowly tailored because they offer a forward-looking and flexible approach that does not cause any student to suffer a constitutional deprivation. Each program is predominantly choice-based and family-oriented, and makes only limited use of race. This limited use of race works to provide every student with an equal education regardless of whether the student is classified as a "minority" or a "non-minority." Neither program creates "winners" and "losers" because all students benefit and no one race is advantaged over another. Moreover, under the terms of both programs, as demographics and the operation of choice reduce racial segregation in schools, the use of the race-based "tiebreaker" likewise will decline and, ultimately, may no longer apply at all. Thus, these programs are narrowly tailored to serve the

compelling interest in the benefits that flow from racial diversity.

For all of these reasons, *Amici* support the high school assignment programs in Seattle and Jefferson County. Accordingly, *Amici* respectfully request that this Court affirm the judgments below.

BACKGROUND

The critical importance to Asian Americans of achieving racial diversity in primary and secondary education, as well as the way that the Seattle and Jefferson County programs apply, is best understood in the context of the long and continuing history of discrimination against Asian Americans, particularly discrimination in education and in the school districts at issue here. Asian Americans long have suffered from racial discrimination by the federal government, state governments, and private citizens and associations. *See generally* DOUG CHIN, SEATTLE'S INTERNATIONAL DISTRICT: THE MAKING OF A PAN-ASIAN AMERICAN COMMUNITY 10-12 (2001) ("Chin") (describing the history of anti-Asian sentiment in the form of violence and murder, discriminatory laws restricting immigration, citizenship, and employment, discriminatory taxes, forced deportation, and internment). Discrimination against Asian Americans continued through the twentieth century. *See, e.g.*, *Korematsu v. United States*, 323 U.S. 214 (1944) (upholding internment of Japanese-Americans during World War II).

Racial discrimination was nowhere more evident than in the Washington territory. For example, Asian immigrants suffered horrific acts of violence (including beatings, dismemberment, and murder), discriminatory laws, and denial of citizenship. Chin at 11, 38 (describing the Asian American experience in Washington).

In the educational context, the discriminatory "separate but equal" doctrine of *Plessy v. Ferguson*, 163 U.S. 537 (1896), overruled by *Brown v. Board of Education*, 347 U.S. 483 (1954), long prevented Asian Americans from receiving an equal education. In *Gong Lum v. Rice*, 275 U.S. 78 (1927), this Court faced the issue of whether "the Mongolian or yellow race" was a "colored race" under Mississippi's constitutional provision that "Separate schools shall be maintained for children of the white and colored races." *Id.* at 82. The Court held that it was, and that Mississippi could "giv[e] [a Chinese child] the opportunity for a common school education in a school which receives only colored children of the brown, yellow or black races." *Id.* at 85.

Today, there is a myth that Asian Americans have overcome historical discrimination and experienced widespread educational, socioeconomic, and professional success in America. *See, e.g.*, C.N. Le, "*The Model Minority Image,*" *in Asian-Nation: The Landscape of Asian America* (2006), http://www.asian-nation.org/model-minority.shtml; Stephan Thernstrom, *Farewell to Preferences?*, 130 Pub. Interest 34, 47-49 (1998) (referring to the claim that Asian Americans "face enormous problems in contemporary America because of their race" as a "fiction" and as a "silly notion"). Nationwide demographic data show that this myth is false.

With respect to education, Asian American adults are less likely than whites to have graduated from high school. AAJC, *A Community of Contrasts: Asian Americans in the United States* 7 (2006), *available at* http://www.advancingequality.org/files/comcont.pdf. (stating that 19% of Asian Americans have not graduated from high school, as opposed to only 15% of whites). More than a fifth of Pacific Islander adults have not completed high school, and only 17% have a bachelor's degree or higher, compared to 24% of the nation overall. *Id.* In Seattle specifically, the proportion

of Asian Americans without a high school degree is almost double that of the general King County population; and Pacific Islanders have the lowest college graduation rate of any major racial or ethnic group in King County. *Id.* at 57.

Nor do Asian Americans achieve the same professional success as their Caucasian American counterparts. Nationwide, the stereotype pervades of Asian Americans as unassertive "grinds" who lack leadership skills. D. Woo, GLASS CEILINGS AND ASIAN AMERICANS: THE NEW FACE OF WORKPLACE BARRIERS 129 (2000) (discussing cultural stereotypes about Asian Americans' leadership abilities). This stereotype hinders Asian Americans' ability to advance to management positions. P. Brest and M. Oshige, *Affirmative Action for Whom?*, 47 Stan. L. Rev. 855, 894 (1995) (noting effect of negative stereotype that Asian Americans have poor leadership and interpersonal skills).[2] Asian Americans experience such "glass ceiling" barriers in many occupational contexts, including the corporate sector,[3] the federal government,[4]

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[2] *See, e.g.*, LEAP Asian Pacific American Pub. Policy Inst. & UCLA Asian American Studies Ctr., *The State of Asian Pacific America* 215-216 (1993); EEOC, *Job Patterns for Minorities and Women in Private Industry* (2003), *available at* http://www.eeoc.gov/stats/ jobpat/ 2003/tables-1.html; C.N. Le, "*Employment & Occupational Patterns,*" in *Asian-Nation: The Landscape of Asian America* (2006), http://www.asian-nation.org/employment.shtml.

[3] C. Cheng, *Are Asian-American Employees a Model Minority or Just a Minority?*, 33 J. Applied Behavioral Sci. 277, 292 (1997); White House Initiative on Asian Americans and Pacific Islanders, *A People Looking Forward, Action for Access and Partnership in the 21st Century* 60-61 (2001) ("A People Looking Forward"), *available at* http://www.aapi.gov/resources/interimreport3.pdf.

[4] *See, e.g., A People Looking Forward* at 104-105; Asian Americans and Pacific Islanders Joint Task Force, *AAPI Federal Employment and Glass Ceiling Issues* 11 (2001).

science and engineering,[5] academia,[6] and the federal judiciary.[7]

With respect to socioeconomic success, more Asian Americans than whites live in poverty. DIANA TING LIU WU, ASIAN AMERICANS IN THE WORKPLACE 60 (1997). In Seattle specifically, Asian Americans are more likely to live in poverty, more likely to live in overcrowded homes, and less likely to own their own homes than whites. *A Community of Contrasts* at 58-59.

Asian Americans face significant and consistent levels of discrimination in housing. *See* M. Turner & S. Ross, Urban Institute, *Discrimination in Metropolitan Housing Markets: Phase 2 – Asians and Pacific Islanders, Final Report* iii-iv (March 2003), *available at* http://www.huduser.org/publications/pdf/phase2_final.pdf.[8] The overall level of discrimination against Asian Americans in buying and renting homes is comparable to the level experienced by African Americans and Hispanics. *Id.*

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[5] *See, e.g.*, National Science Foundation, *Women, Minorities, and Persons with Disabilities in Science and Engineering* (2002), *available at* www.nsf.gov/statistics/nsf03312.

[6] *See, e.g.*, WOO, GLASS CEILINGS, at 118-119; Pat K. Chew, *Asian Americans in the Legal Academy: An Empirical and Narrative Profile*, 3 Asian L.J. 7, 33 (1996).

[7] *See* Office of U.S. Courts, *Judiciary Fair Employment Practices, Annual Report* 35, 10/1/03-9/30/04.

[8] In a 2001 study of American attitudes toward Chinese Americans and Asians, of those respondents holding decisively negative views, 34% said they would be upset if a significant number of Asian Americans moved into their neighborhood and 57 percent believed that increased Asian American population is bad for America. Committee of 100, *American Attitudes Toward Chinese Americans and Asians ("American Attitudes")* 46, 50 (2001).

Finally, the racism and violence that Asian Americans experienced in the nineteenth century persists today. In 2001, a comprehensive survey revealed that 71% of adult respondents held either decisively negative or partially negative attitudes toward Asian Americans. *See* Committee of 100, *American Attitudes Toward Chinese Americans and Asians* 56 (2001). Racial representations and stereotyping of Asian Americans, particularly in well-publicized instances where public figures or the mass media express such attitudes, reflect and reinforce an image of Asian Americans as "different," "foreign," and the "enemy," thus stigmatizing Asian Americans, heightening racial tension, and instigating discrimination. C. Lee, *Beyond Black and White: Racializing Asian Americans in a Society Obsessed with O.J.*, 6 Hastings Women's L.J. 165, 181 (1995); S. Turnbull, *Wen Ho Lee and the Consequences of Enduring Asian American Stereotypes*, 7 Asian Pac. Am. L.J. 72, 74-75 (2001); Terry Yuh-lin Chen, *Hate Violence as Border Patrol: An Asian American Theory of Hate Violence*, 7 Asian L.J. 69, 72, 74-75 (2000); Jerry Kang, *Racial Violence Against Asian Americans*, 106 Harv. L. Rev. 1926, 1930-32 (1993); T. Devos & M. Banaji, *American = Caucasian American?*, 88 J. Personality & Soc. Psych. 447 (2005) (documenting empirical evidence of implicit beliefs that Asian Americans are not "American").

Such negative racial representation and stereotyping can and does incite violence directed against Asian Americans. Chen, *Hate Violence*, 7 Asian L.J. at 74-76. Thousands of incidents of anti-Asian American violence have been documented in recent years, including harassment, assault, attempted murder, and murder. *See* National Asian Pacific American Legal Consortium, *2000 Audit of Violence Against Asian Pacific Americans* 9 (2001).

ARGUMENT

This Court has emphasized repeatedly that secondary education is a vital means of preserving the values of American society and preparing citizens to participate in a democratic system. In *Plyler v. Doe*, 457 U.S. 202 (1982), the Court explained that "education has a fundamental role in maintaining the fabric of our society" and that "[w]e have recognized the public schools as a most vital civic institution for the preservation of a democratic system of government, and as the primary vehicle for transmitting the values on which our society rests." *Id.* at 221 (citations omitted). *See also Grutter v. Bollinger*, 539 U.S. 306, 331 (2003) ("education . . . is the very foundation of good citizenship") (quoting *Brown v. Board of Education*, 347 U.S. 483, 493 (1954)); *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 683 (1986) (the inculcation of civic values is "truly the work of the schools"); *Ambach v. Norwick*, 441 U.S. 68, 76-77 (1979) (public schools transmit to children "the values on which our society rests," including "fundamental values necessary to the maintenance of a democratic political system").

The Seattle and Jefferson County programs are designed with these very purposes in mind. The evidence shows that, by using race as a factor in composing primary and secondary school populations, these programs ensure that all students will gain the education and American values that public schools should provide.

Amici have a unique perspective on these programs. In the Seattle program, Asian Americans are treated as minorities; in Jefferson County, by contrast, Asian American are classified as non-minorities. *Compare Parents Involved in Community Schools v. Seattle School District No.* 1, 426 F.3d 1162, 1166 (9th Cir. 2005) (*en banc*) *with McFarland v. Jefferson County Bd. of Educ.*, 330 F. Supp. 2d 834, 840 n.6 (W.D. Ky. 2004), *aff'd*, 416 F.3d 513 (6th Cir. 2005).

Nevertheless, *Amici* support both programs because they benefit Asian Americans (and all other students) regardless of their classification as "minorities" or "non-minorities."

From their unique vantage point, Asian Americans are able to make four fundamental points to show that the programs at issue are narrowly tailored to achieve a compelling governmental interest. We discuss each of these points below.

I. RACIAL DIVERSITY IN ELEMENTARY AND SECONDARY EDUCATION IS A COMPELLING GOVERNMENTAL INTEREST BECAUSE IT PROMOTES RACIAL UNDERSTANDING

This Court recognized in *Grutter* that racial diversity in education "promotes 'cross-racial understanding,' helps to break down racial stereotypes, and 'enables [students] to better understand persons of different races.'" 539 U.S. at 330. These benefits inure to Asian American students whether they are treated as "minorities" (*e.g.*, non-white) or as "non-minorities," (*e.g.*, non-black). By promoting diversity, the Seattle and Jefferson County plans reduce the stereotypes and racial prejudice that cause discrimination against Asian Americans.

A. Empirical Evidence Demonstrates That Racial Diversity Improves Relations Between Races

Racial diversity demonstrably reduces racial prejudice, and therefore is a compelling governmental interest. Hundreds of empirical studies show that meaningful contact between members of different races significantly reduces prejudice among racial groups. Thomas F. Pettigrew & Linda R. Tropp, *A Meta-Analytic Test of Intergroup Contact Theory*, 90 J. of Personality &

Soc. Psych. 751 (2006) (reviewing and analyzing over 500 empirical studies); C. Aberson, C. Shoemaker, & C. Tomolillo, *Implicit Bias and Contact: The Role of Interethnic Friendships*, 144 J. of Soc. Psych. 335, 335 (2004) ("Meaningful" contact occurs when "members of different groups have equal status, common goals, are in a cooperative or interdependent setting, and have support from authorities.").

Recent studies of voluntary integration plans demonstrate that students in racially diverse educational environments feel comfortable with, and prepared to work and interact with, members of other races. *See, e.g.*, Michel Kurlaender & John T. Yun, *The Impact of Racial and Ethnic Diversity on Educational Outcomes: Cambridge, MA School District*, The Civil Rights Project, Harvard University (Jan. 2002), *available at* http://www.civilrightsproject.harvard.edu/research/diversity/cambridge_diversity.pdf; Kurlaender & Yun, *The Impact of Racial and Ethnic Diversity on Educational Outcomes: Lynn, MA School District*, The Civil Rights Project, Harvard University, (Feb. 2002) *available* at http://www.civilrightsproject.harvard.edu/research/diversity/LynnReport.pdf. Indeed, in Jefferson County, about 90% of the students report "that exposure in the curriculum to diverse cultures and experiences has helped them to better understand points of view different from their own." Kurlaender & Yun, *"Is Diversity a Compelling Educational Interest? Evidence from Jefferson County," in* DIVERSITY CHALLENGED: EVIDENCE ON THE IMPACT OF AFFIRMATIVE ACTION 111, 123 (G. Orfield & M. Kurlaender eds. 2001) *("Is Diversity a Compelling Educational Interest?").*

Thus, integrated schools serve to counteract racial prejudices. "Bias both conscious and unconscious, reflecting traditional and unexamined habits of thought, keeps up barriers that must come down if equal opportunity and nondiscrimination are ever genuinely to become this

country's law and practice." *Gratz v. Bollinger*, 539 U.S. 244, 274 (2003) (Ginsburg, J., dissenting) (citing Linda Hamilton Krieger, *Civil Rights Perestroika: Intergroup Relations After Affirmative Action*, 86 Calif. L. Rev. 1251, 1276-1291 (1998) (describing unconscious discrimination and bias based on race)). By combating the prejudice and bias, "both conscious and unconscious," that Asian Americans face, the Seattle and Jefferson County programs work to create equal opportunity and nondiscrimination.

B. Diversity Is Particularly Important in Elementary School and Secondary School

Nowhere is the reduction of prejudice more important than at the K-12 level. Judge Kozinski's concurring opinion in *Parents Involved in Community Schools* explains the importance of teaching racial tolerance to children:

> It is difficult to deny the importance of teaching children, during their formative years, how to deal respectfully and collegially with peers of different races. . . . The reality is that attitudes and patterns of interaction are developed early in life and, in a multicultural and diverse society such as ours, there is great value in developing the ability to interact successfully with individuals who are very different from oneself.

426 F.3d at 1194 (Kozinski, J., concurring). *See also id.* at 1176 (majority opinion) (holding that racial diversity at the secondary level is compelling in part because "the public school context involves students who, because they are younger and more impressionable, are more amenable to the benefits of diversity").

Empirical evidence supports the views of Judge Kozinski that "attitudes and patterns of interaction are

developed early in life." *Id.* at 1194 (Kozinski, J., concurring). Studies have shown that racial bias and prejudice exists as early as age six. A. Baron & M. Banaji, *The Development of Implicit Attitudes: Evidence of Race Evaluations From Ages 6 and 10 and Adulthood*, 17 Psych. Science 53, 55-56 (2005), *available at* http://www.blackwell-synergy.com/doi/pdf/10.1111/j.1467-9280.2005.01664.x?cookiesSet=1. Thus, "the need for exposure to other races is more urgent in elementary and secondary schools, as the benefits of cross-racial interaction are most profound at younger ages." M. Anderson, *Race as a Factor in K-12 Student Assignment Plans: Balancing the Promise of Brown with the Modern Realities of Strict Scrutiny*, 54 Cath. U.L. Rev. 961, 988 (2005).

Moreover, a substantial number of high school graduates do not attend college. Nationwide, more than a fifth of Pacific Islander adults have not completed high school, and in Seattle, the proportion of Asian Americans without a high school degree is almost double that of the general population. As the Ninth Circuit noted in the opinion below, "[f]or these students, their public high school educational experience will be their *sole* opportunity to reap the benefits of a diverse learning environment." *Parents Involved in Community Schools*, 426 F.3d at 1176 (emphasis in original).

Combating racial prejudice and stereotypes at the K-12 level is a highly effective means of combating racial prejudice and the acts of discrimination it engenders. Like other racial groups, Asian Americans continue to experience racism and discrimination in many aspects of life. As described above, racial stereotypes prevent Asian Americans from achieving equal levels of professional success and result in negative attitudes and violence against Asian Americans. Improving race relations at the primary and secondary levels prevents the growth of racism that results in

this discrimination and violence. Moreover, instituting race-conscious measures at earlier stages of education that improve education and reduce (or even eliminate) the root causes of discrimination makes it more likely that race-conscious measures currently used in college, graduate school, and employment will become unnecessary. *See, e.g.*, Goodwin Liu, *Brown, Bollinger, and Beyond*, 47 How. L.J. 705, 755 (2004) ("[I]f 'diminishing the force of [racial] stereotypes is a compelling pedagogical interest in elite higher education, it can only be more so in elementary and secondary schools – for the very premise of *Grutter*'s diversity rationale is that students enter higher education having had too few opportunities in early grades to study and learn alongside peers from other racial groups.").

II. THE RESPONDENTS' INTEREST IN RACIAL DIVERSITY IN PRIMARY AND SECONDARY EDUCATION ALSO IS COMPELLING BECAUSE INTEGRATION IMPROVES EDUCATIONAL PERFORMANCE

Empirical evidence has confirmed this Court's holding in *Brown* that a separate education is not an equal one. As the Ninth Circuit recognized in its opinion below, overwhelming empirical evidence shows that "racially concentrated schools are characterized by much higher levels of poverty, lower average test scores, lower levels of student achievement, with less qualified teachers and fewer advanced courses – 'with few exceptions, separate schools are still unequal schools.'" *Parents Involved in Community Schools*, 426 F.3d at 1177 (quoting Erica Frankenberg, et al., *A Multiracial Society with Segregated Schools: Are We Losing the Dream?* 11 (The Civil Rights Project, Harvard Univ. Jan. 2003), *available at* http://www.civilrightsproject.harvard.edu/research/reseg03/reseg03_full.php) ("Are We Losing the Dream?").

Segregated minority schools "tend to offer their students weaker academic preparation." NAACP Legal Defense and Educational Fund, Inc., *Looking to the Future: Voluntary K-12 School Integration* 16 (2005), *available at* http://www.naacpldf.org/content/pdf/voluntary/Voluntary_K-12_School_Integration_Manual.pdf. These schools tend to have students with less skills preparation outside of school; teachers are less qualified and less experienced; and educational offerings and resources are limited. *Id.*; *Are We Losing the Dream?* at 11 & n.28.

Moreover, predominantly minority schools tend to transmit lower expectations to their students, and these expectations have a direct and negative effect on students' performances. *Id.* at 24; J. KANG & M. BANAJI, FAIR MEASURES: A BEHAVIORAL REALIST REVISION OF "AFFIRMATIVE ACTION," 22, 28-32 (2006) (describing empirical evidence showing that lowered expectations depress student performance). This lower performance continues into college. *See* Douglas S. Massey & Mary J. Fischer, *The Effect of Childhood Segregation on Minority Academic Performance at Selective Colleges*, 29 Ethnic and Racial Studies 1, 21 (2006) ("the degree of school and neighborhood segregation experienced between the ages of 6 and 18 was strongly associated with diminished academic performance later").

In contrast, students who attend more integrated schools have increased academic achievement and higher test scores. R. Crain & R. Mahard, *The Effect of Research Methodology on Desegregation Achievement Studies: Meta-Analysis*, 88 Am. J. of Sociology 839 (1983); *Are We Losing the Dream?* at 12. These students receive greater academic preparation for college, learn superior critical thinking skills, and have higher educational and occupational aspirations. Massey & Fischer, *supra*, 29 Ethnic and Racial Studies at 20; *Are We Losing the Dream?* at 12-13; P. Gurin, B. Nagda & G. Lopez, "*The Benefits of Diversity in Education for*

Democratic Citizenship," Journal of Social Issues (Jan. 2003), *available at* http://www.personal.umich.edu/~pgurin/benefits.html; *"Is Diversity a Compelling Educational Interest? in* DIVERSITY CHALLENGED at 111, 116.[9] And, students from racially integrated backgrounds experience greater academic success at the college level. Massey & Fischer, *supra,* at 19 ("Shifting a student from a completely integrated to a completely segregated background is expected to lower his or her cumulative GPA by 0.13 points. . . .").

While "it should be equally clear that Caucasian American as well as [minority] children benefit from exposure to ethnic and racial diversity in the classroom," *Washington v. Seattle Sch. Dist. No. 1*, 458 U.S. 457, 472 (1982), the advantages of a racially integrated education are of particular importance to members of historically discriminated against groups. As shown above, Asian Americans nationwide, and in Seattle in particular, have not achieved socioeconomic equality and, on average, have achieved lower levels of education than Caucasian Americans. Racial integration at the secondary (and elementary) level will provide Asian Americans with the tools needed to achieve educational equality.

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[9] Petitioners suggest that the "[b]elief" that racial diversity has educational benefits "may rest on the 'assumption that nonwhites, when left on their own, cannot achieve.'" Brief for Petitioner Parents Involved in Community Schools at 30 n.14 (citation omitted). Petitioners are incorrect. As the above-described authorities show, the "belief" in the educational benefits of racial diversity rests on extensive empirical evidence.

III. THE SEATTLE AND JEFFERSON COUNTY PROGRAMS COUNTERACT THE DELETERIOUS EDUCATIONAL EFFECTS OF RESIDENTIAL SEGREGATION

As Justice Powell recognized, "[t]he principal cause of racial and ethnic imbalance in . . . public schools across the country . . . is the imbalance in residential patterns." *Austin Independent School Dist. v. United States*, 429 U.S. 990, 994 (1976) (Powell, J., concurring). *See also Parents Involved in Community Schools*, 426 F.3d at 1194 (Kozinski, J., concurring) ("To the extent that students gravitate to the schools near their homes, the schools will have the same racial composition as the neighborhood. This means that student patterns of interacting primarily with members of their own race that are first developed by living in racially isolated neighborhoods will be continued and exacerbated by the school experience.").

This imbalance is not caused simply by the private free market and personal choice. To the contrary, residential segregation primarily results from public and private race-based discrimination. *See, e.g.*, James E. Ryan, *Schools, Race, and Money*, 109 Yale L.J. 249, 278 (1999) (explaining that residential segregation results primarily from public and private discrimination); Casey Dawkins, *Recent Evidence on the Continuing Causes of Black-White Residential Segregation*, 6 J. Urban Affairs 379 (2004); Mark Seitles, *The Perpetuation of Residential Racial Segregation in America: Historical Discrimination, Modern Forms of Exclusion, and Inclusionary Remedies*, 14 J. Land Use & Envtl. L. 89, 106 (1998), *available at* http://www. law. fsu.edu/Journals/landuse/Vol141/seit.htm; Michael Selmi, *Race in the City: The Triumph of Diversity and the Loss of Integration*, 22 J.L. & Pol. 49, 59 (2006).

For example, in the 1930s and 1940s, government agencies rated neighborhoods with significant numbers of

non-whites as high risk for mortgage default ("redlining"), which limited access to credit in diverse areas and created incentives for white residents to live in segregated neighborhoods. Kate Davis, Housing Segregation in Seattle 40 (2005), *available at* http://evans.washington.edu/research/psclinic/pdf/04-05/davis_final.pdf. In 1924, the National Association of Real Estate Brokers added a clause to their ethics code which remained until 1950: "[A] Realtor should never be instrumental in introducing into a neighborhood . . . members of any race or nationality . . . whose presence will be detrimental to property values in that neighborhood." *Id.* at 6.

Indeed, at times such discrimination occurred as a result of public and private acts combined. For example, in the 1930s, the U.S. Federal Housing Administration provided a model restrictive covenant barring minorities that private landowners could use. *See* Seattle Civil Rights and Labor History Project (www.civilrights.washington.edu), "*Racial Restrictive Covenants*" (2006) *available at* http://depts.washington.edu/civilr/covenants.htm ("*Racial Restrictive Covenants*").

Recent studies show that residential discrimination against Asian Americans is not a thing of the past. For example, a study in 2003 conducted by the Urban Institute shows that Asian Americans face significant and consistent levels of discrimination in searching for housing in large metropolitan areas. *See* M. Turner & S. Ross, Urban Institute, *Discrimination in Metropolitan Housing Markets: Phase 2 – Asians and Pacific Islanders, Final Report* iii-iv (March 2003), *available at* http://www.huduser.org/publications/pdf/phase2_final.pdf.[10] Indeed, the overall level

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[10] In a 2001 study of American attitudes toward Chinese Americans and Asians, of those respondents holding decisively negative views, 34 percent said they would be upset if a significant number of Asian Americans moved into their neighborhood and 57 percent believed that

(Continued ...)

of discrimination against Asian Americans in buying and renting homes is comparable to the level experienced by African Americans and Hispanics. *Id.*[11] Another study conducted in 2004 reveals that Asian Americans are more likely to have home loan applications rejected than are Caucasian American with similar incomes. Davis at 37.

In Seattle and Jefferson County, residential segregation historically has directly resulted in racially segregated public schools. Absent some effort to counter the effects of racial segregation, schools will become racially isolated, and students will be deprived of the benefits of racial diversity.

A. Residential Segregation Exists in Seattle

In Seattle, as elsewhere in the nation, residential segregation of Asian Americans results from a specific history of discrimination as well as the current discrimination and prejudice that exists nationwide.

In the first half of the twentieth century, covenants in Seattle forbade the sale of land to Asian Americans and other disfavored groups. A typical covenant at that time stated:

> No part of said property hereby conveyed shall ever be used or occupied by any Hebrew or by any person of the Ethiopian, Malay or any Asiatic Race, . . . excepting only

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(... Continued)
increased Asian American population is bad for America. *American Attitudes* at 46, 50.

[11] The residential segregation of African Americans and Hispanic Americans also results from decades of discrimination. *See* Davis, *passim*.

> employees in domestic service on the premises . . . .

Racial Restrictive Covenants. *See also id.* ("No person of African, Japanese, Chinese, or of any other Mongolian descent shall be allowed to purchase, own or lease said real property or any part thereof.").

This Court upheld such covenants in 1926. *See Corrigan v. Buckley*, 271 U.S. 323 (1926). Indeed, the Civil Rights Project at the University of Washington has documented almost two hundred such restrictive covenants covering areas ranging from entire neighborhoods to small blocks. *Racial Restrictive Covenants, supra.* Given the widespread prevalence of these covenants, "[p]eople of color had little chance of finding housing except in the central neighborhoods of Seattle." *Id. See also, e.g.*, DOUG CHIN, UPHILL: THE SETTLEMENT & DIFFUSION OF THE CHINESE IN SEATTLE 39 (1973) ("[T]he Chinese moved into the First Hill and Beacon Hill areas [located in the central district] only because they were the only districts not covered by the restrictive covenant.").

Early affordable housing initiatives enacted by the Seattle Housing Authority focused on the central district area. Because minorities earn less on average than whites – over 54% of Asian Americans currently are classified as low or moderate income, *see* Davis at 41 – the concentration of public housing in the central district contributes to racial segregation. *See, e.g.*, *Gautreax v. Chicago Housing Authority*, 296 F. Supp. 907 (N.D. Ill. 1969) (placing public housing in minority neighborhoods promotes segregation). Early land use policies and exclusionary zoning – that is, zoning regulations that effectively exclude low-income households, for example by limiting the number of households per area – further contributed to racial segregation. Davis at 67; *see also id.* at 62 (in 1976, the

Seattle Human Rights Department found evidence of exclusionary zoning).

Today, housing in Seattle remains segregated. *See Parents Involved in Community Schools*, 426 F.3d at 1166. As a result, Asian Americans predominantly live in minority-dominated southern Seattle. *Id.; see* Davis at 29. Without a school assignment program that takes race into account in some fashion, residential segregation will perpetuate racial isolation in Seattle's public schools.

B. Residential Segregation Exists in Jefferson County

In Jefferson County, as elsewhere in the South, there is an analogous history of racism and discrimination against African Americans that has led to residential segregation. *See, e.g.*, Ryan, 109 Yale L.J. at 276-279. For example, Louisville, Kentucky, the county seat of Jefferson County, had a city ordinance enforcing residential segregation that was not struck down until 1917. *See Buchanan v. Warley*, 245 U.S. 60 (1917). As a result of that ruling, whites began to enforce private restrictive covenants in which property owners agreed to sell or rent to whites only. When private covenants too were ruled unconstitutional in *Shelley v. Kraemer*, 334 U.S. 1 (1948), practices such as "redlining" by real estate agents, banks, and homeowners insurance companies became prevalent. *See, e.g.*, Penny Loeb, Warren Cohen, & Constance Johnson, *The New Redlining: It's Different From the Old, But Minorities Are Still Getting Shortchanged*, U.S. News and World Report 51-58, Apr. 17 1995, *available at* http://wjcohen.home.mindspring.com/usnclips/redline.htm.

To be sure, the Jefferson County program at issue was not expressly aimed at preventing racial isolation. Nonetheless, the fact remains that, as in Seattle, absent

efforts to promote racial diversity in schools, racial isolation will increase.

C. Absent Efforts to Integrate Schools, Residential Segregation Will Lead to Racially Isolated Schools, Thus Depriving Students of the Benefits of Racial Diversity

The majority of Americans believe in the benefits of racially integrated education and favor racially integrated schools. *See Is Diversity a Compelling Interest?* at 117 (as of 1996 the majority of Jefferson County citizens preferred to continue school desegregation efforts through choice and desegregation standards); *Are We Losing the Dream?* at 15. Yet, because of the pervasiveness of residential segregation, desegregation in education will not occur without an intentional effort. F. Grissmer & S. Williamson, "*Why Did the Black-White Score Gap Narrow in the 1970s and the 1980s?*," *in* THE BLACK-WHITE TEST SCORE GAP (C. Jencks & M. Philips eds. 1998). As the Ninth Circuit below noted, "[i]n Seattle the threat of having to attend a racially concentrated or isolated school is not a theoretical or imagined problem." *Parents Involved in Community Schools*, 426 F.3d at 1177. Avoiding racial isolation is the logical and necessary corollary to promoting racial diversity. The importance of promoting racial diversity in Seattle and Jefferson County is particularly urgent because of the history of discrimination that has resulted in racial isolation.

The limited use of race by the Seattle and Jefferson County school districts is exactly the type of intentional effort that will succeed. The use of proximity as the determining factor in school assignments would perpetuate racially segregated schools. Indeed, the use of individual

choice as the sole factor arguably would have the same effect.[12]

The Seattle and Jefferson County programs use race in a targeted fashion to correct for residential discrimination (and arguably bias in individual choice). The use of race in these circumstances is not racial engineering, but rather the decision of an elected school board to promote diversity in a localized and historical context of racial isolation and segregation. As the Ninth Circuit recognized:

> [T]he District's choice to increase diversity along the white/nonwhite axis is rooted in Seattle's history and current reality of de facto segregation resulting from Seattle's segregated housing patterns. The white/nonwhite distinction is narrowly tailored to prioritize movement of students from the north of the city to the south of city and vice versa.

Parents Involved in Community Schools, 426 F.3d at 1187. *See also id.* ("It is this de facto residential segregation across a white/nonwhite axis that the District has battled historically and that it seeks to ameliorate by making the integration tiebreaker a part of its open choice Plan. The District,

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[12] James E. Ryan & Michael Heise, *The Political Economy of School Choice*, 111 Yale L.J. 2043, 2096-2102 (2002) (arguing that school choice would effectuate racial integration at the margins only, if at all). Indeed, in the Western District of Kentucky's decision below, the court noted that the majority of high school students choose to attend a neighborhood (or "resides") school. *McFarland*, 330 F. Supp. 2d at 845. That said, the school board in Seattle decided to institute a choice-based program because of the high value it placed on "increase[ing] parental involvement in the schools and promot[ing] improvement in quality through a marketplace model." *Parents Involved in Community Schools*, 426 F.3d at 1168.

mindful of both Seattle's history and future, appropriately places its focus here.").[13]

Thus, Petitioners' contention that these plans do not account for diversity within minority subgroups does not account for the history and reality of residential segregation in Seattle, which falls along "white" and "nonwhite" lines. The same is true of the Jefferson County program, where residential segregation overwhelmingly falls along "black" and "non-black" lines. *See McFarland,* 330 F. Supp. 2d at 840 n.6.

In sum, the Seattle and Jefferson County programs are appropriate efforts to reduce the number of racially isolated schools that otherwise would exist. The programs thus promote racial diversity in education reach all students.

IV. THE PROGRAMS ARE NARROWLY TAILORED; THEY DO NOT CREATE A CONSTITUTIONAL DEPRIVATION BECAUSE THEY ARE FLEXIBLE AND CLOSELY LINKED TO ACTUAL DEMOGRAPHICS

Petitioners portray themselves as victims of racial balancing. *See, e.g.,* Brief of Petitioner Parents Involved in Community Schools at 25 *et seq.* In their view, petitioners have suffered a constitutional injury because of unconstitutional affirmative action. *See, e.g., id.* And certain *amici* argue that Asian Americans in particular suffer from affirmative action. *See* Brief of the Asian American Legal Foundation as *Amicus Curiae* in Support of Petitioners

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[13] Likewise, the Western District of Kentucky in the decision below concluded that the black/non-black distinction in the Jefferson County program reflected the fact that students of other races represent less than five percent of the total student population. *McFarland,* 330 F. Supp. 2d at 840 n.6.

at 1 (arguing that Asian Americans "have also suffered from similar racial classification in the San Francisco, California public school system"); Brief *Amicus Curiae* of Timothy Don-Hugh Mak in Support of Petitioner at 6 ("Affirmative action is almost *exclusively* 'paid for' by Asian-American students.").

The present cases, however, are quite different from the typical affirmative action dispute. In the typical affirmative action case, applicants compete based on their individual qualifications for a contract, a job, or a place in a college or graduate school. One applicant argues that he is entitled to win because he is better qualified (*e.g.*, his test scores were higher than those of the other applicant) but that he lost to a less qualified minority applicant.

In the present cases, by contrast, there is no competition based on qualifications. *See Parents Involved in Community Schools*, 426 F.3d at 1181 ("Students' relative qualifications are irrelevant because regardless of their academic achievement, sports or artistic ability, musical talent, or life experience, any student who wants to attend Seattle's public high schools is entitled to an assignment; no assignment to any of the District's high schools is tethered to a student's qualifications."); *McFarland*, 330 F.Supp. 2d at 859 (Jefferson County's assignment process "does not involve weighing comparative criteria in a competitive manner"). Students are not assigned to schools on the basis of grades or test scores, and therefore there can be no argument that a minority applicant with lower grades or scores has taken a seat that should have been awarded to another applicant with higher grades or scores.

The absence of competition distinguishes this case from *Gratz* and *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978), in which white applicants argued that they had been denied admission to competitive graduate school programs in favor of minority applicants

with lower grades and test scores. The absence of competition likewise distinguishes this case from *Ho v. San Francisco Unified School District,* 147 F.3d 854 (9th Cir. 1998), on which the Asian American Legal Foundation relies, in which Chinese American students argued that they had been denied admission to a selective high school in favor of African American and Hispanic students with lower grades and test scores. Brief of the Asian American Legal Foundation as *Amicus Curiae* in Support of Petitioners at 8 (describing competitive admissions at Lowell High School in San Francisco and the allegedly adverse effects of diversity on Chinese American applicants). Here, all students are admitted to a qualified school, and all schools are improved by decreased segregation and racial isolation.

Consequently, neither Petitioners, nor Asian Americans, nor any other students, suffer a *constitutional* deprivation. In the relatively few situations where a student's race is used as a tiebreaker, no particular race is given an edge over another. *See Parents Involved in Community Schools,* 426 F.3d at 1193 (Kozinski, J., concurring) (unlike affirmative action, these assignment programs do not "'give one racial group an edge over another"') (citation omitted); *McFarland,* 930 F.Supp. 2d at 861 ("no student is directly denied a benefit because of race so that another of a different race can receive that benefit"). *Compare, e.g., Adarand Constructors, Inc. v. Pena*, 515 U.S. 200 (1995). To be sure, students who are not admitted to the public school of their choice will be disappointed, but they have not suffered a constitutional injury, because "a student has no constitutional right to attend a particular school." *McFarland,* 330 F.Supp. 2d at 860 (citing cases); *accord Parents Involved in Community Schools,* 426 F.3d at 1181 n.21.

Moreover, as discussed above, the racial classification used in each program reflects local history and racial dynamics. As those dynamics change over time, the

programs' use of racial classification automatically will change or even become unnecessary. Similarly, by linking the use of race to population demographics, the admissions programs automatically will change as demographics shift.

For example, over time, as students attend integrated schools, they will become more comfortable with students of other races. This increasing level of comfort likely will influence school choices; students will be more likely to choose integrated schools than they would have been absent the admissions programs. As more students choose integrated schools, fewer schools will be racially isolated and more will have populations that reflect the racial make-up of the district as a whole. These choices, in turn, automatically will lessen and ultimately may eliminate the number of cases in which the racial "tiebreakers" at issue here are applied. Moreover, so to the extent residential segregation decreases over time, students who choose neighborhood schools will contribute to the integration of those schools.

Thus, unlike the admissions plans in *Bakke*, which reserved a certain number of seats in the University for minorities *ad infinitum*, and *Gratz*, which similarly granted minorities extra points on their college applications in perpetuity, the plans at issue here are self-limiting. As integration increases, the use of race will decrease and eventually cease. Thus, the plans are limited in time and should be deemed narrowly tailored.[14]

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[14] Petitioner Parents Involved in Community Schools complains that the Seattle plan "does not even recognize any racial diversity among non-whites, but lumps together all ethnic and racial categories other than non-Hispanic whites." Brief for Petitioner Parents Involved in Community Schools at 13. The United States similarly argues that Seattle's "broad characterization of all 'non-white' students into a single racial category for purposes of the racial tiebreaker demonstrates that the plan does not aim to provide either genuine diversity . . . or a 'highly individualized, holistic review' of a student's assignment request . . . ." Brief for the United States as *Amicus Curiae* Supporting Petitioner, No. 05-908, at 13.

(Continued ...)

In short, in each program, race is used in a targeted and limited fashion; the use of race is flexible and will change over time; and, no student suffers a constitutional deprivation. Accordingly, both of these programs are narrowly tailored to serve compelling governmental interests.

(... Continued)

These arguments are a red herring. If the plans at issue distinguished among Asian Americans, Hispanic Americans, African Americans and others, Petitioners and their *amici* would nonetheless contend that the plans amounted to unconstitutional racial balancing. Moreover, "[narrow tailoring does not require that [the school board] ensure diversity among every racial and ethnic subgroup as well." *Comfort v. Lynn Sch. Com.*, 418 F.3d 1, 22 (1st Cir. 2005).

CONCLUSION

For all of the foregoing reasons, *Amici* respectfully request that this Court affirm the judgment of the Ninth Circuit in *Parents v. Seattle School District No. 1* and affirm the judgment of the Sixth Circuit in *Meredith v. Jefferson County*.

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APPENDIX

APPENDIX

List of *Amici Curiae*

The Asian American Business Roundtable (AABR)
AABR was established in 1989 to help Asian Pacific and other minority-owned companies expand their market with the Federal government as well as the commercial sector by providing information that is accurate and timely to enable them to make informed decisions beneficial to their companies.

The Asian American Institute (AAI)
AAI is a pan-Asian, nonprofit organization, whose mission is to empower the Asian American & Pacific Islander community through advocacy, utilizing research, education, and coalition-building. AAI is committed to remedying past and present social inequalities by advocating for policies that promote social, economic, educational, and political equality of the Asian American community as a whole.

The Asian American Legal Center of Texas (AALC)
AALC is a nonprofit civil rights organization dedicated to advancing the civil and legal rights of Asian Americans and educating Asian Americans regarding those rights.

The Asian Law Alliance (ALA)
ALA, founded in 1977, is a nonprofit, public interest legal organization with the mission of providing equal access to the justice system to the Asian and Pacific Islander communities in Santa Clara County, California. ALA has provided community education and legal services on affirmative action and discrimination issues.

The Asian Law Caucus (ALC)

ALC is a nonprofit, public interest legal organization whose mission is to promote, advance, and represent the civil rights of Asian Pacific Islander communities. Founded in 1972, the ALC is the nation's oldest Asian Pacific Islander civil rights legal organization. The ALC has provided legal services and community education on discrimination, represented individuals in discrimination suits, and conducted local and regional policy advocacy on the importance of diversity programs. ALC is affiliated with the Asian American Justice Center.

The Asian Pacific American Labor Alliance, AFL-CIO (APALA)

APALA was founded in 1992 with the strong support of the AFL-CIO and is the first and only organization of Asian American and Pacific Islander trade unionists. Since its inception, APALA has been committed to organizing the unorganized, mobilizing the Asian American and Pacific Islander community for political action and mobilization, advocating for workers' rights, civil rights, and immigrant rights, and building alliances between labor and community. APALA has always been a strong supporter of programs that benefit the Asian American and Pacific Islander communities beyond labor issues.

The Asian Pacific American Legal Center of Southern California (APALC)

APALC is the largest provider of direct legal services, civil rights advocacy, community education, and impact litigation for low-income Asian Pacific Americans in the country. Since 1982, APALC has represented Asian Pacific Americans in a number of areas, including anti-discrimination, workers' rights, family law, immigration, and hate crimes. APALC is also a leader in bringing diverse

communities together to improve race relations. APALC is also co-counsel for defendant intervenors in cases filed against the Capistrano Unified School District and the Los Angeles Unified School District, in which APALC seeks to preserve the right of school districts to track the racial effect of school boundaries and use race when appropriate to ensure desegregation.

The Association of Asian Indian Women in Ohio (AAIWO)

AAIWO is a nonprofit organization representing Asian Indian Women. Founded in 1989, AAIWO fosters and supports Asian Indian women to assume leadership roles through networking and volunteering opportunities, and by encouraging new immigrants to mainstream into American society. AAIWO emphasizes education and provides scholarships to displaced homemakers and youth. AAIWO presents multicultural events to promote diversity and mutual understanding between different cultures. The AAIWO Helpline is staffed by professionals to help women and youth in crises. Membership and all services are free.

The Association of Asian Pacific Community Health Organizations (AAPCHO)

AAPCHO is a national association representing community health organizations dedicated to promoting advocacy, collaboration, and leadership that improves the health status and access of Asian Americans, Native Hawaiians, and Pacific Islanders within the United States, its territories, and freely associated states, primarily through its member community health clinics.

Hmong National Development, Inc. (HND)

HND is a national, nonprofit organization developing capacity to ensure the full participation of Hmong in society. HND works with local and national organizations, public and

private entities, and individuals to promote educational opportunities, to increase community capacity, and to develop resources for the well-being, growth, and full participation of Hmong in society.

The Japanese American Citizens League (JACL)

JACL, founded in 1929, is one of the oldest and largest Asian American nonprofit, nonpartisan organizations committed to securing and upholding the human and civil rights of Americans of Japanese ancestry and others. During World War II, Japanese Americans were denied constitutional rights and were incarcerated by the United States for no reason other than their ethnicity. Through JACL and other groups, those who were wrongfully forced into internment camps obtained redress, but discrimination against Japanese Americans remains an issue. Knowing the harm caused by discrimination and the importance of programs that counter the effects of discrimination, JACL has worked hard to educate people on the need for affirmative action programs.

The National Asian Pacific American Bar Association (NAPABA)

NAPABA is the national association of Asian Pacific American attorneys, judges, law professors, and law students, providing a national network for its members and affiliates. NAPABA advocates for the legal needs and interests of the Asian Pacific American community and represents the interests of over 40,000 attorneys and 50 local Asian Pacific American bar associations, who work variously in solo practices, large firms, corporations, legal services organizations, non-profit organizations, law schools, and government agencies. Since its inception in 1988, NAPABA has been at the forefront of national and local activities in the area of civil rights, and combating anti-immigrant backlash and hate crimes. To advance its goals,

NAPABA monitors legislative developments and judicial appointments, and advocates on issues of importance to Asian Pacific American lawyers and their communities.

The National Asian Pacific American Women's Forum (NAPAWF)

NAPAWF is a grassroots organization dedicated to forging a progressive movement for social and economic justice and the political empowerment of Asian and Pacific American women and girls. NAPAWF believes that affirmative action programs are necessary to address the myriad educational and economic obstacles facing APA women and girls.

The National Coalition for Asian Pacific American Community Development, Inc. (National CAPACD)

CAPACD is the first national advocacy organization dedicated to addressing the housing, economic, and community development needs of Asian Americans and Pacific Islanders. Our mission is to be a powerful voice for the unique community development needs of Asian American and Pacific Islander communities and to strengthen the capacity of community-based organizations to create neighborhoods of hope and opportunity. National CAPACD is built on the principle that equal access in education and employment is essential to progress in all communities.

National Federation of Filipino American Associations (NaFFAA)

NaFFAA is a nonprofit, nonpartisan civil rights organization dedicated to promoting the interests and betterment of Filipinos and Filipino Americans in the United States. Founded in 1997, NaFFAA represents over 300 Filipino American community organizations and institutions. NaFFAA works in coalition with other civil rights

organizations to ensure that Asian Pacific Americans enjoy equal opportunities in education, employment, and industry.

National Korean American Service & Education Consortium (NAKASEC)

NAKASEC was established as a consortium in 1994 by local Korean American community organizations to advance a national Korean American civil rights agenda. NAKASEC's founding organizations are also its affiliates: The Korean American Resource and Cultural Center (KRCC) of Chicago, The Korean Resource Center (KRC) of Los Angeles, and YKASEC – Empowering the Korean American Community of New York. NAKASECs founding is the culmination of the base building work that its affiliates have carried out for decades in their respective cities. NAKASEC and its affiliates have an interest in this amicus brief because their organizations believe that quality public education is a civil right and that racial diversity leads to equality in education.

Organization of Chinese Americans, Inc. (OCA)

OCA is a nonprofit, nonpartisan civil rights organization dedicated to ensuring the equality of Chinese Americans, Asian Americans, and all Americans in the United States. Founded in 1973, OCA currently represents over 10,000 members in 50 chapters and 30 college affiliates. OCA has worked to ensure that Asian Pacific Americans are treated fairly and are accorded the rights guaranteed to them under the Constitution, federal, state, and local law.

South Asian American Leaders of Tomorrow (SAALT)

SAALT is a national, non-profit organization dedicated to ensuring the full and equal civic and political participation of South Asians in America. Using a social justice framework, SAALT meets its mission through four strategies: civil and

immigrant rights advocacy; community and public education; coalition-building; and leadership development.

Southeast Asia Resource and Action Center (SEARAC)
SEARAC was founded in 1979 to facilitate the relocation of Southeast Asian refugees into American society as well as the development of nonprofit organizations led by and for Southeast Asians. SEARAC's principal mission is to advance the interests of Southeast Asian Americans by promoting community empowerment and leadership development, as well as advocating for and representing the diverse Southeast Asian American community on issues and concerns such as education, health care, safety, economic development, and civil rights.